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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**  
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9 Fund for Empowerment, et al.,  
10 Plaintiffs,  
11 v.  
12 City of Phoenix, et al.,  
13 Defendants.

No. CV-22-02041-PHX-GMS

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**ORDER**  
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17 Before the Court is Defendants' Emergency Motion to Continue Response Deadline  
18 and Hearing (Doc. 67). Defendants correctly note that the briefing and hearing schedule  
19 was set in response to documents submitted by the Plaintiffs indicating that the City would  
20 conduct an enhanced cleanup in the Zone on May 24, 2023. The City does not appear to  
21 have published a formal revocation of the May 24 cleanup date, and in any event, has not  
22 provided it to the Court. However, in its Motion to Continue, the City represents that "there  
23 will be no cleaning until the parties have had a chance to present the matter to the Court at  
24 the hearing." (Doc. 67 at 2.) In response, Plaintiffs note that while notice of a cleanup  
25 scheduled for May 24, 2023, has been published, they are aware of no notice cancelling or  
delaying such a cleanup, and hence they cannot be sure that a cleanup will not occur.

26 After consideration, the Court grants the City's emergency motion and orders that  
27 no cleanups, either scheduled or unscheduled, shall occur within the Zone until the Court  
28 has held the hearing on Plaintiffs' Motion for Modification of Preliminary Injunction and

1 Motion for Order to Show Cause and provides further orders to the parties.

2 Accordingly,

3 **IT IS THEREFORE ORDERED** that Defendants' Emergency Motion for  
4 Continuance (Doc. 67) is **GRANTED**.

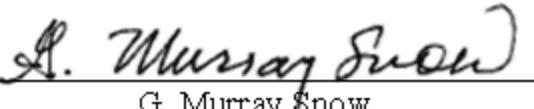
5 **IT IS FURTHER ORDERED** that the hearing on Plaintiffs' Motion for  
6 Modification of Preliminary Injunction and Motion for Order to Show Cause (Doc. 59) on  
7 May 23, at 2:00 PM is **VACATED**.

8 **IT IS FURTHER ORDERED RESETTING** the hearing on the merits of  
9 Plaintiffs' Motion for Modification of Preliminary Injunction and Motion for Order to  
10 Show Cause (Doc. 59) for **Friday, May 26, 2023, at 1:30 PM** in Courtroom 602, Sandra  
11 Day O'Connor U.S. Federal Courthouse, 401 West Washington Street, Phoenix, Arizona  
12 85003.

13 **IT IS FURTHER ORDERED** that Defendants' response to Plaintiffs' Motion for  
14 Modification of Preliminary Injunction and Motion for Order to Show Cause is due on  
15 **Thursday, May 25, 2023, at 12:00 PM**.

16 **IT IS FURTHER ORDERED** that Defendants shall not conduct any cleanups in  
17 the Zone until the Court has held the hearing and provided further orders to the parties.

18 Dated this 22nd day of May, 2023.

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21 G. Murray Snow  
Chief United States District Judge

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